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7 Attorneys for Complainant

8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke Probation  
Against:

Case No. 2004-185

12 SANDRA DENICE WHATLEY  
13 a.k.a. SANDRA DENICE MOTE  
a.k.a. SANDRA WHATLEY  
14 206 W. 6<sup>th</sup> Street, Apt. #918  
Los Angeles, CA 90014

**PETITION TO REVOKE  
PROBATION**

15 Registered Nurse License No. 659324

16 Respondent.  
17

18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Petition to  
21 Revoke Probation solely in her official capacity as the Executive Officer of the Board of  
22 Registered Nursing, Department of Consumer Affairs (Board).  
23 2. On or about June 23, 2005, the Board issued Registered Nurse License No.  
24 452302 to Sandra Denice Whatley, a.k.a., Sandra Denice Mote, a.k.a., Sandra Whatley  
25 (Respondent). Said license was immediately revoked, the order of revocation stayed and  
26 Respondent was placed on probation for a period of three (3) years with certain terms and  
27 conditions. A copy of the Decision is attached as exhibit A, and is incorporated by reference  
28 herein. The Registered Nurse License will expire on November 30, 2008, unless renewed.

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1 that a medical determination permits Respondent to resume practice. This period  
2 of suspension will not apply to the reduction of this probationary time frame.

3 If Respondent fails to have the above assessment submitted to the  
4 Board within the 45-day requirement, Respondent shall immediately cease  
5 practice and shall not resume practice until notified by the Board. This period of  
6 suspension will not apply to the reduction of this probationary time period. The  
7 Board may waive or postpone this suspension only if significant, documented  
8 evidence of mitigation is provided. Such evidence must establish good faith  
9 efforts by Respondent to obtain the assessment, and a specific date of compliance  
10 must be provided. Only one such waiver or extension may be permitted.

11 **14. Participate in Treatment/Rehabilitation Program for Chemical  
12 Dependence.** Respondent, at her expense, shall successfully complete during the  
13 probationary period or shall have successfully completed prior to commencement  
14 of probation a Board-approved treatment/rehabilitation program of at least six  
15 months duration. As required, reports shall be submitted by the program on forms  
16 provided by the Board. If Respondent has not completed a Board-approved  
17 treatment/rehabilitation program prior to commencement of probation,  
18 Respondent, within 45 days from the effective date of the decision, shall be  
19 enrolled in a program. If a program is not successfully completed within the first  
20 nine months of probation, the Board shall consider Respondent in violation of  
21 probation.

22 Based on Board recommendation, each week Respondent shall be required  
23 to attend at least one, but no more than five, 12-step recovery meetings or equivalent  
24 (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as  
25 approved and directed by the Board. If a nurse support group is not available, an  
26 additional 12-step meeting or equivalent shall be added. Respondent shall submit dated  
27 and signed documentation confirming such attendance to the Board during the entire  
28 period of probation. Respondent shall continue with the recovery plan recommended by  
the treatment/rehabilitation program or a licensed mental health examiner and/or other  
ongoing recovery groups.

17 **15. Abstain from Use of Psychotropic (Mood-Altering) Drugs.**  
18 Respondent shall completely abstain from the possession, injection or  
19 consumption by any route of all psychotropic (mood altering) drugs, including alcohol,  
20 except when the same are ordered by a health care professional legally authorized to do so  
21 as part of documented medical treatment. Respondent shall have sent to the Board, in  
22 writing and within fourteen (14) days, by the prescribing health professional, a report  
23 identifying the medication, dosage, the date the medication was prescribed, the  
24 Respondent's prognosis, the date the medication will no longer be required, and the effect  
25 on the recovery plan, if appropriate.

26 Respondent shall identify for the Board a single physician, nurse practitioner or  
27 physician assistant who shall be aware of Respondent's history of substance abuse and  
28 will coordinate with the monitor any prescriptions for Respondent for dangerous drugs,  
controlled substances or mood-altering drugs. The coordination physician, nurse  
practitioner, or physician assistant shall report to the Board on a quarterly basis  
Respondent's compliance with this condition. If any substances considered addictive  
have been prescribed, the report shall identify a program for the time limited use of any  
such substances.

26 **16. Submit to Tests and Samples.** Respondent, at her expense, shall participate in a  
27 random, biological fluid testing or a drug screening program which the Board approves.  
28 The length of time and frequency will be subject to approval by the Board. Respondent is  
responsible for keeping the Board informed of Respondent's current telephone number at

1 all times. Respondent shall also ensure that messages may be left at the telephone  
2 number when she is not available and ensure that reports are submitted directly by the  
3 testing agency to the Board, as directed. Any confirmed positive finding shall be reported  
immediately to the Board by the program and Respondent shall be considered in violation  
of probation.

4 In addition, Respondent, at any time during the period of probation, shall fully  
5 cooperate with the Board or any of its representatives, and shall, when requested, submit  
to such tests and samples as the Board or its representatives may require for the detection  
of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

6 If Respondent has a positive drug screen for any substance not legally authorized  
7 and not reported to the coordinating physician, nurse practitioner, or physician assistant,  
8 and the Board files a petition to revoke probation or an accusation, the Board may  
suspend Respondent from practice pending the final decision on the petition to revoke  
probation or the accusation. This period of suspension will not apply to the reduction of  
this probationary time period.

9 If Respondent fails to participate in a random, biological fluid testing or drug  
10 screening program within the specified time frame, Respondent shall immediately cease  
11 practice and shall not resume practice until notified by the Board. After taking into  
12 account documented evidence of mitigation, if the Board files a petition to revoke  
probation or an accusation, the Board may suspend Respondent from practice pending the  
final decision on the petition to revoke probation or the accusation. This period of  
suspension will not apply to the reduction of this probationary time period.

13 **17. Mental Health Examination.** Respondent shall, within 45 days of the effective  
14 date of this Decision, have a mental health examination including psychological testing as  
15 appropriate to determine her capability to perform the duties of a registered nurse. The  
16 examination will be performed by a psychiatrist, psychologist or other licensed mental  
17 health practitioner approved by the Board. The examining mental health practitioner will  
submit a written report of that assessment and recommendations to the Board. All costs  
are the responsibility of Respondent. Recommendations for treatment, therapy or  
counseling made as a result of the mental health examination will be instituted and  
followed by Respondent.

18 If Respondent is determined to be unable to practice safely as a registered nurse,  
19 the licensed mental health care practitioner making this determination shall immediately  
20 notify the Board and Respondent by telephone, and the Board shall request that the  
21 Attorney General's office prepare an accusation or petition to revoke probation.  
Respondent shall immediately cease practice and may not resume practice until notified  
by the Board. During this period of suspension, Respondent shall not engage in any  
practice for which a license issued by the Board is required, until the Board has notified  
Respondent that a mental health determination permits Respondent to resume practice.  
This period of suspension will not apply to the reduction of this probationary time period.

22 If Respondent fails to have the above assessment submitted to the Board within  
23 the 45-day requirement, Respondent shall immediately cease practice and shall not  
24 resume practice until notified by the Board. This period of suspension will not apply to  
25 the reduction of this probationary time period. The Board may waive or postpone this  
26 suspension only if significant, documented evidence of mitigation is provided. Such  
evidence must establish good faith efforts by Respondent to obtain the assessment, and a  
specific date for compliance must be provided. Only one such waiver or extension may  
be permitted.

27 **18. Therapy or Counseling Program.** Respondent, at her expense, shall participate  
28 in an on-going counseling program until such time as the Board releases her from this  
requirement and only upon the recommendation of the counselor. Written progress  
reports from the counselor will be required at various intervals.

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1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:


4 1. Revoking the probation that was granted by the Board of Registered  
5 Nursing in Case No. 2004-185 and imposing the disciplinary order that was stayed thereby  
6 revoking Registered Nurse License No. 659324 issued to Sandra Denice Whatley, a.k.a Sandra  
7 Denice Mote, a.k.a., Sandra Whatley;

8 2. Revoking or suspending Registered Nurse License No. 452302, issued to  
9 Sandra Denice Whatley, a.k.a Sandra Denice Mote, a.k.a., Sandra Whatley;

10 3. Ordering Sandra Denice Whatley, a.k.a Sandra Denice Mote, a.k.a.,  
11 Sandra Whatley to pay the Board of Registered Nursing the reasonable costs of the investigation  
12 and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

13 4. Taking such other and further action as deemed necessary and proper.  
14

15 DATED: 11/9/08  
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17   
18 RUTH ANN TERRY, M.P.H., R.N.  
19 Executive Officer  
20 Board of Registered Nursing  
21 Department of Consumer Affairs  
22 State of California

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26  
27 Complainant  
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**Exhibit A**

**Decision and Order**

**Board of Registered Nursing Case No. 2004-185**

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against:

SANDRA DENISE WHATLEY  
a.k.a. SANDRA DENISE MOTE,  
a.k.a. SANDRA WHATLEY  
206 W. 6<sup>th</sup> Street, Apt. #918  
Los Angeles, CA 90014

Case No. 2004-185

Respondent

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on June 2, 2005.

IT IS SO ORDERED May 2, 2005.

*Sandra L. Erickson*

\_\_\_\_\_  
President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California



1 BILL LOCKYER, Attorney General  
of the State of California  
2 ALAN A. MANGELS, State Bar No. 57690  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-2554  
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7 **BEFORE THE**  
8 **BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues Against:

Case No. 2004-185

11 SANDRA DENICE WHATLEY  
a.k.a. SANDRA DENICE MOTE,  
12 a.k.a. SANDRA WHATLEY  
206 W. 6th Street, Apt. #918  
13 Los Angeles, CA 90014

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14 Respondent.  
15

16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
17 above-entitled proceedings that the following matters are true:

18 PARTIES

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of  
20 the Board of Registered Nursing. She brought this action solely in her official capacity and is  
21 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Alan  
22 A. Mangels, Deputy Attorney General.

23 2. Sandra Denice Whatley (Respondent) is representing herself in this  
24 proceeding and has chosen not to exercise her right to be represented by counsel.

25 3. On or about December 5, 2002, the Board of Registered Nursing received  
26 an Application for Licensure by Endorsement from Sandra Denice Whatley, a.k.a. Sandra Denice  
27 Mote, a.k.a. Sandra Whatley (Respondent). On or about November 18, 2002, Respondent  
28 certified under penalty of perjury that the information contained in the application was true and

1 correct. The Board denied the application on June 10, 2003.

2 JURISDICTION

3 4. Statement of Issues No. 2004-185 was filed before the Board of Registered  
4 Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent.  
5 The Statement of Issues and all other statutorily required documents were properly served on  
6 Respondent on January 28, 2004. Respondent timely filed her Notice of Defense contesting the  
7 Statement of Issues. A copy of Statement of Issues No. 2004-185 is attached as exhibit A and  
8 incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations  
11 in Statement of Issues No. 2004-185. Respondent has also carefully read, and understands the  
12 effects of this Stipulated Settlement and Disciplinary Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the  
14 right to a hearing on the charges and allegations in the Statement of Issues; the right to be  
15 represented by counsel at her own expense; the right to confront and cross-examine the witnesses  
16 against her; the right to present evidence and to testify on her own behalf; the right to the  
17 issuance of subpoenas to compel the attendance of witnesses and the production of documents;  
18 the right to reconsideration and court review of an adverse decision; and all other rights accorded  
19 by the California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
21 each and every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in  
24 Statement of Issues No. 2004-185.

25 9. Respondent agrees that her application for Licensure by Endorsement is  
26 subject to discipline and she agrees to be bound by the Board's imposition of discipline as set  
27 forth in the Disciplinary Order below.

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1                   1.       **Obey All Laws.** Respondent shall obey all federal, state and local laws.  
2   A full and detailed account of any and all violations of law shall be reported by Respondent to  
3   the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of  
4   compliance with this condition, Respondent shall submit completed fingerprint forms and  
5   fingerprint fees within 45 days of the effective date of the decision, unless previously submitted  
6   as part of the licensure application process.

7                   **Criminal Court Orders:** If Respondent is under criminal court orders, including  
8   probation or parole, and the order is violated, this shall be deemed a violation of these probation  
9   conditions, and may result in the filing of an accusation and/or petition to revoke probation.

10                  2.       **Comply with the Board's Probation Program.** Respondent shall fully  
11   comply with the conditions of the Probation Program established by the Board and cooperate  
12   with representatives of the Board in its monitoring and investigation of the Respondent's  
13   compliance with the Board's Probation Program. Respondent shall inform the Board in writing  
14   within no more than 15 days of any address change and shall at all times maintain an active,  
15   current license status with the Board, including during any period of suspension.

16                  Upon successful completion of probation, Respondent's license shall be fully  
17   restored.

18                  3.       **Report in Person.** Respondent, during the period of probation, shall  
19   appear in person at interviews/meetings as directed by the Board or its designated  
20   representatives.

21                  4.       **Residency, Practice, or Licensure Outside of State.** Periods of  
22   residency or practice as a registered nurse outside of California shall not apply toward a reduction  
23   of this probation time period. Respondent's probation is tolled, if and when she resides outside  
24   of California. Respondent must provide written notice to the Board within 15 days of any change  
25   of residency or practice outside the state, and within 30 days prior to re-establishing residency or  
26   returning to practice in this state.

27                  Respondent shall provide a list of all states and territories where she has ever been  
28   licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further

1 provide information regarding the status of each license and any changes in such license status  
2 during the term of probation. Respondent shall inform the Board if she applies for or obtains a  
3 new nursing license during the term of probation.

4           **5. Submit Written Reports.** Respondent, during the period of probation,  
5 shall submit or cause to be submitted such written reports/declarations and verification of actions  
6 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
7 statements relative to Respondent's compliance with all the conditions of the Board's Probation  
8 Program. Respondent shall immediately execute all release of information forms as may be  
9 required by the Board or its representatives.

10           Respondent shall provide a copy of this Decision to the nursing regulatory agency  
11 in every state and territory in which she has a registered nurse license.

12           **6. Function as a Registered Nurse.** Respondent, during the period of  
13 probation, shall engage in the practice of registered nursing in California for a minimum of 24  
14 hours per week for 6 consecutive months or as determined by the Board.

15           For purposes of compliance with the section, "engage in the practice of registered  
16 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or  
17 work in any non-direct patient care position that requires licensure as a registered nurse.

18           The Board may require that advanced practice nurses engage in advanced practice  
19 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the  
20 Board.

21           If Respondent has not complied with this condition during the probationary term,  
22 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
23 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
24 grant an extension of Respondent's probation period up to one year without further hearing in  
25 order to comply with this condition. During the one year extension, all original conditions of  
26 probation shall apply.

27           **7. Employment Approval and Reporting Requirements.** Respondent  
28 shall obtain prior approval from the Board before commencing or continuing any employment,

1 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
2 performance evaluations and other employment related reports as a registered nurse upon request  
3 of the Board.

4 Respondent shall provide a copy of this Decision to her employer and immediate  
5 supervisors prior to commencement of any nursing or other health care related employment.

6 In addition to the above, Respondent shall notify the Board in writing within  
7 seventy-two (72) hours after she obtains any nursing or other health care related employment.

8 Respondent shall notify the Board in writing within seventy-two (72) hours after she is  
9 terminated or separated, regardless of cause, from any nursing, or other health care related  
10 employment with a full explanation of the circumstances surrounding the termination or  
11 separation.

12 8. **Supervision.** Respondent shall obtain prior approval from the Board  
13 regarding Respondent's level of supervision and/or collaboration before commencing or  
14 continuing any employment as a registered nurse, or education and training that includes patient  
15 care.

16 Respondent shall practice only under the direct supervision of a registered nurse  
17 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative  
18 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)  
19 are approved.

20 Respondent's level of supervision and/or collaboration may include, but is not  
21 limited to the following:

22 (a) Maximum - The individual providing supervision and/or collaboration is  
23 present in the patient care area or in any other work setting at all times.

24 (b) Moderate - The individual providing supervision and/or collaboration is in  
25 the patient care unit or in any other work setting at least half the hours Respondent works.

26 (c) Minimum - The individual providing supervision and/or collaboration has  
27 person-to-person communication with Respondent at least twice during each shift worked.

28 (d) Home Health Care - If Respondent is approved to work in the home health

1 care setting, the individual providing supervision and/or collaboration shall have person-to-  
2 person communication with Respondent as required by the Board each work day. Respondent  
3 shall maintain telephone or other telecommunication contact with the individual providing  
4 supervision and/or collaboration as required by the Board during each work day. The individual  
5 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-  
6 site visits to patients' homes visited by Respondent with or without Respondent present.

7           9.       **Employment Limitations.** Respondent shall not work for a nurse's  
8 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a  
9 traveling nurse, or for an in-house nursing pool.

10               Respondent shall not work for a licensed home health agency as a visiting nurse  
11 unless the registered nursing supervision and other protections for home visits have been  
12 approved by the Board. Respondent shall not work in any other registered nursing occupation  
13 where home visits are required.

14               Respondent shall not work in any health care setting as a supervisor of registered  
15 nurses. The Board may additionally restrict Respondent from supervising licensed vocational  
16 nurses and/or unlicensed assistive personnel on a case-by-case basis.

17               Respondent shall not work as a faculty member in an approved school of nursing  
18 or as an instructor in a Board approved continuing education program.

19               Respondent shall work only on a regularly assigned, identified and predetermined  
20 worksite(s) and shall not work in a float capacity.

21               If Respondent is working or intends to work in excess of 40 hours per week, the  
22 Board may request documentation to determine whether there should be restrictions on the hours  
23 of work.

24           10.       **Complete a Nursing Course(s).** The Respondent shall enroll in and  
25 successfully complete a refresher course or equivalent set of courses as approved by  
26 representatives of the Board. The Respondent is suspended from practice until the required  
27 course work is successfully completed, but may use her license for the limited purpose of  
28 completing clinical requirements of the required coursework.

1                   11.     **Violation of Probation.** If Respondent violates the conditions of her  
2 probation, the Board after giving Respondent notice and an opportunity to be heard, may set  
3 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's  
4 license.

5                   If during the period of probation, an accusation or petition to revoke probation has  
6 been filed against Respondent's license or the Attorney General's Office has been requested to  
7 prepare an accusation or petition to revoke probation against Respondent's license, the  
8 probationary period shall automatically be extended and shall not expire until the accusation or  
9 petition has been acted upon by the Board.

10                  12.     **License Surrender.** During Respondent's term of probation, if she ceases  
11 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
12 probation, Respondent may surrender her license to the Board. The Board reserves the right to  
13 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to  
14 take any other action deemed appropriate and reasonable under the circumstances, without  
15 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent  
16 will no longer be subject to the conditions of probation.

17                  Surrender of Respondent's license shall be considered a disciplinary action and  
18 shall become a part of Respondent's license history with the Board. A registered nurse whose  
19 license has been surrendered may petition the Board for reinstatement no sooner than the  
20 following minimum periods from the effective date of the disciplinary decision:

21                   (1)     Two years for reinstatement of a license that was surrendered for any  
22 reason other than a mental or physical illness; or

23                   (2)     One year for a license surrendered for a mental or physical illness.

24                  13.     **Physical Examination.** Within 45 days of the effective date of this  
25 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or  
26 physician assistant, who is approved by the Board before the assessment is performed, submit an  
27 assessment of the Respondent's physical condition and capability to perform the duties of a  
28 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If



1 medically determined, a recommended treatment program will be instituted and followed by the  
2 Respondent with the physician, nurse practitioner, or physician assistant providing written  
3 reports to the Board on forms provided by the Board.

4           If Respondent is determined to be unable to practice safely as a registered nurse,  
5 the licensed physician, nurse practitioner, or physician assistant making this determination shall  
6 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
7 Attorney General's office prepare an accusation or petition to revoke probation. Respondent  
8 shall immediately cease practice and shall not resume practice until notified by the Board.  
9 During this period of suspension, Respondent shall not engage in any practice for which a license  
10 issued by the Board is required until the Board has notified Respondent that a medical  
11 determination permits Respondent to resume practice. This period of suspension will not apply  
12 to the reduction of this probationary time period.

13           If Respondent fails to have the above assessment submitted to the Board within  
14 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
15 practice until notified by the Board. This period of suspension will not apply to the reduction of  
16 this probationary time period. The Board may waive or postpone this suspension only if  
17 significant, documented evidence of mitigation is provided. Such evidence must establish good  
18 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
19 provided. Only one such waiver or extension may be permitted.

20           **14. Participate in Treatment/Rehabilitation Program for Chemical**  
21 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary  
22 period or shall have successfully completed prior to commencement of probation a Board-  
23 approved treatment/rehabilitation program of at least six months duration. As required, reports  
24 shall be submitted by the program on forms provided by the Board. If Respondent has not  
25 completed a Board-approved treatment/rehabilitation program prior to commencement of  
26 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in  
27 a program. If a program is not successfully completed within the first nine months of probation,  
28 the Board shall consider Respondent in violation of probation.

1           Based on Board recommendation, each week Respondent shall be required to  
2 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics  
3 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed  
4 by the Board. If a nurse support group is not available, an additional 12-step meeting or  
5 equivalent shall be added. Respondent shall submit dated and signed documentation confirming  
6 such attendance to the Board during the entire period of probation. Respondent shall continue  
7 with the recovery plan recommended by the treatment/rehabilitation program or a licensed  
8 mental health examiner and/or other ongoing recovery groups.

9           **15. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent  
10 shall completely abstain from the possession, injection or consumption by any route of all  
11 psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a  
12 health care professional legally authorized to do so as part of documented medical treatment.  
13 Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the  
14 prescribing health professional, a report identifying the medication, dosage, the date the  
15 medication was prescribed, the Respondent's prognosis, the date the medication will no longer  
16 be required, and the effect on the recovery plan, if appropriate.

17           Respondent shall identify for the Board a single physician, nurse practitioner or  
18 physician assistant who shall be aware of Respondent's history of substance abuse and will  
19 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled  
20 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician  
21 assistant shall report to the Board on a quarterly basis Respondent's compliance with this  
22 condition. If any substances considered addictive have been prescribed, the report shall identify a  
23 program for the time limited use of any such substances.

24           The Board may require the single coordinating physician, nurse practitioner, or  
25 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in  
26 addictive medicine.

27           **16. Submit to Tests and Samples.** Respondent, at her expense, shall  
28 participate in a random, biological fluid testing or a drug screening program which the Board

1 approves. The length of time and frequency will be subject to approval by the Board.

2 Respondent is responsible for keeping the Board informed of Respondent's current telephone  
3 number at all times. Respondent shall also ensure that messages may be left at the telephone  
4 number when she is not available and ensure that reports are submitted directly by the testing  
5 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately  
6 to the Board by the program and Respondent shall be considered in violation of probation.

7 In addition, Respondent, at any time during the period of probation, shall fully  
8 cooperate with the Board or any of its representatives, and shall, when requested, submit to such  
9 tests and samples as the Board or its representatives may require for the detection of alcohol,  
10 narcotics, hypnotics, dangerous drugs, or other controlled substances.

11 If Respondent has a positive drug screen for any substance not legally authorized  
12 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the  
13 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent  
14 from practice pending the final decision on the petition to revoke probation or the accusation.  
15 This period of suspension will not apply to the reduction of this probationary time period.

16 If Respondent fails to participate in a random, biological fluid testing or drug  
17 screening program within the specified time frame, Respondent shall immediately cease practice  
18 and shall not resume practice until notified by the Board. After taking into account documented  
19 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the  
20 Board may suspend Respondent from practice pending the final decision on the petition to  
21 revoke probation or the accusation. This period of suspension will not apply to the reduction of  
22 this probationary time period.

23 17. **Mental Health Examination.** Respondent shall, within 45 days of the  
24 effective date of this Decision, have a mental health examination including psychological testing  
25 as appropriate to determine her capability to perform the duties of a registered nurse. The  
26 examination will be performed by a psychiatrist, psychologist or other licensed mental health  
27 practitioner approved by the Board. The examining mental health practitioner will submit a  
28 written report of that assessment and recommendations to the Board. All costs are the

1 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a  
2 result of the mental health examination will be instituted and followed by Respondent.

3           If Respondent is determined to be unable to practice safely as a registered nurse,  
4 the licensed mental health care practitioner making this determination shall immediately notify  
5 the Board and Respondent by telephone, and the Board shall request that the Attorney General's  
6 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
7 practice and may not resume practice until notified by the Board. During this period of  
8 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
9 is required, until the Board has notified Respondent that a mental health determination permits  
10 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
11 probationary time period.

12           If Respondent fails to have the above assessment submitted to the Board within  
13 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
14 practice until notified by the Board. This period of suspension will not apply to the reduction of  
15 this probationary time period. The Board may waive or postpone this suspension only if  
16 significant, documented evidence of mitigation is provided. Such evidence must establish good  
17 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
18 provided. Only one such waiver or extension may be permitted.

19           **18. Therapy or Counseling Program.** Respondent, at her expense, shall  
20 participate in an on-going counseling program until such time as the Board releases her from this  
21 requirement and only upon the recommendation of the counselor. Written progress reports from  
22 the counselor will be required at various intervals.

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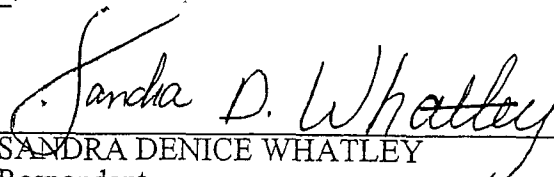
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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nursing License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 8-9-04

  
SANDRA DENICE WHATLEY  
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 14 JAN 05

BILL LOCKYER, Attorney General  
of the State of California

  
ALAN A. MANGELS  
Deputy Attorney General

Attorneys for Complainant

DOJ Docket/Matter ID Number: 03579110-LA2003600528  
CDK

**Exhibit A**

**Statement of Issues No. 2004-185**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 ALAN A. MANGELS, State Bar No. 57690  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-2554  
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7 **BEFORE THE**  
8 **BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:

Case No. 2004-185

12 **SANDRA DENICE WHATLEY,**  
13 **A.K.A. SANDRA DENICE MOTE, A.K.A.**  
14 **SANDRA WHATLEY**  
206 W. 6<sup>TH</sup> Street, Apartment #918  
Los Angeles, CA 90014

**STATEMENT OF ISSUES**

Applicant/Respondent.

15 Complainant alleges:

16 **PARTIES**

17 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Statement of  
18 Issues solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
19 ("Board"), Department of Consumer Affairs.

20 **STATUTORY PROVISIONS**

21 2. Section 480, subdivision (a)(1) of the Business and Professions Code  
22 ("Code") provides that the Board may deny a license regulated by the Code on the grounds that  
23 the applicant has been convicted of a crime. A conviction within the meaning of this section  
24 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action  
25 which a board is permitted to take following the establishment of a conviction may be taken  
26 when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal,  
27 or when an order granting probation is made suspending the imposition of sentence, irrespective  
28 of a subsequent order under the provisions of section 1203.4 of the Penal Code.

1                   3.       Section 2761 of the Code provides, in pertinent part:

2                               “The board may take disciplinary action against a certified or licensed  
3 nurse or deny an application for a certificate or license for any of the following:

4                               (a) Unprofessional conduct, which includes, but is not limited to, the  
5 following:

6                               (4) Denial of licensure, revocation, suspension, restriction, or any other  
7 disciplinary action against a health care professional license or certificate by another state or  
8 territory of the United States, by any other government agency, or by another California health  
9 care professional licensing board. A certified copy of the decision or judgment shall be  
10 conclusive evidence of that action.

11                              (f) Conviction of a felony or of any offense substantially related to the  
12 qualifications, functions, and duties of a registered nurse, in which event the record of the  
13 conviction shall be conclusive evidence thereof.”

14                   4.       California Code of Regulations, title 16, section 1444, provides that a  
15 crime or act shall be considered to be substantially related to the qualifications, functions or  
16 duties of a registered nurse if to a substantial degree it evidences present or potential unfitness of  
17 a registered nurse to perform the functions authorized by his/her license in a manner consistent  
18 with the public health, safety, or welfare.

19   **APPLICATION FOR LICENSURE**

20                   5.       On or about December 5, 2002, the Board received an Application for RN  
21 Licensure by Endorsement from Sandra Denise Whatley, also know as Sandra Denise Mote, also  
22 know as Sandra Whatley (“Applicant/Respondent “). On November 18, 2002,  
23 Applicant/Respondent certified under penalty of perjury that the information contained in the  
24 application was true and correct.

25   **OUT-OF-STATE DISCIPLINARY ACTIONS**

26                   6.       Effective, July 7, 1987, in a disciplinary matter entitled “In the Matter of  
27 Sandra Denise Mote,” Case #707-RN-87, The Arkansas Board of Nursing suspended  
28 Applicant/Respondent’s Arkansas registered nurse license for a period of two (2) years. The



1 disciplinary action by The Arkansas Board of Nursing was taken under the authority of Arkansas  
2 Statutes Annotated, section 72-7609a (4) and (6), and Findings of Fact holding that during, but  
3 not limited to, January and February of 1987, Applicant/Respondent, while employed at St.  
4 Michael's Hospital, Texarkana, Arkansas, misappropriated medications and/or narcotics from her  
5 employer in violation of Arkansas Statutes Annotated, section 72-760a(6); that during the  
6 aforementioned time period, Applicant/Respondent was in violation of Arkansas Statutes  
7 Annotated, section 72-760a(4) by being addicted to the use of habit-forming drugs; and that  
8 during the aforementioned time period, Applicant/Respondent was in violation of Arkansas  
9 Statutes Annotated, section 72-760a(6) by making false entries in hospital records. On or about  
10 March 22, 1989, Applicant/Respondent's Arkansas registered nurse license was reinstated by  
11 The Arkansas State Board of Nursing. A copy of the disciplinary action in Case #707-RN-87 is  
12 attached hereto as "Exhibit A" and is incorporated herein by reference.

13           7.       Effective, November 18, 1987, in a disciplinary matter entitled "In the  
14 Matter of Permanent Certificate Number 526272 Issued to Sandra Denice Mote," The Board of  
15 Nurse Examiners for The State of Texas revoked Applicant/Respondent's Texas registered nurse  
16 license. The disciplinary action by The Board of Nurse Examiners for The State of Texas was  
17 taken under the authority of Article 4525(a)(7), Revised Civil Statutes of Texas, as amended, and  
18 Findings of Fact holding that on or about July 7, 1987, Applicant/Respondent's license to  
19 practice professional nursing had been suspended by the Arkansas Board of Nursing, Little Rock,  
20 Arkansas, for unprofessional or dishonorable conduct which conduct, in the opinion of Board of  
21 Nurse Examiners for The State of Texas, was of a nature likely to deceive, defraud, or injure  
22 patients and the public. A copy of the disciplinary action in the matter entitled "In the Matter of  
23 Permanent Certificate Number 526272 Issued to Sandra Denice Mote," is attached hereto as  
24 "Exhibit B" and is incorporated herein by reference.

25                           **FIRST GROUND FOR DENIAL OF LICENSURE**

26   (Out-of-State Discipline)

27           8.       Grounds exist to deny the application of Applicant/Respondent under  
28 section 2761, subdivision (a)(4) of the Code, in that Applicant/Respondent's registered nurse

1 licenses, issued by the states of Arkansas and Texas, respectively, were disciplined as set forth  
2 under paragraphs 6 and 7 above.

3 **SECOND GROUND FOR DENIAL OF LICENSURE**

4 (Conviction of Crime)

5 9. Grounds exist to deny the application of Applicant/Respondent under  
6 section 480, subdivision (a)(1), and section 2761, subdivision (f) of the Code, in that on or about  
7 September 3, 1997, Applicant/Respondent was convicted by the court upon a plea of nolo  
8 contendere of violating Penal Code section 242-243, subdivision (b) (battery), in *People v.*  
9 *Sandra Whatley* (Mun. Ct. Los Angeles County, 1997, No. 7CR21579).

10 10. The circumstances surrounding the conviction are substantially related to  
11 the qualifications, functions or duties of a licensed registered nurse, as defined by California  
12 Code of Regulations, title 16, section 1444. The conviction evidences a present or potential  
13 unfitness on the part of Applicant/Respondent to perform the functions authorized by that  
14 license in a manner consistent with the public health, safety, or welfare when, on or about  
15 August 31, 1997, Applicant/Respondent committed an assault with a deadly weapon or  
16 instrument, other than a firearm, or by means likely to produce great bodily injury upon the  
17 person of a peace officer or firefighter, when the peace officer or firefighter was engaged in the  
18 performance of his or her duties.

19 **THIRD GROUND FOR DENIAL OF LICENSURE**

20 (Conviction of Crime)

21 11. Grounds exist to deny the application of Applicant/Respondent under  
22 section 480, subdivision (a)(1), and section 2761, subdivision (f) of the Code, in that on or about  
23 August 3, 2000, Applicant/Respondent was convicted by the court upon a plea of guilty of  
24 violating Penal Code section 245, subdivision (c) (assault without firearm against a peace  
25 office/fireman), in *People v. Sandra Denise Whatley* (Super. Ct. Los Angeles County, 2000, No.  
26 BA202715).

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12. The circumstances surrounding the conviction are substantially related to the qualifications, functions or duties of a licensed registered nurse, as defined by California Code of Regulations, title 16, section 1444. The conviction evidences a present or potential unfitness on the part of Applicant/Respondent to perform the functions authorized by that license in a manner consistent with the public health, safety, or welfare when, on or about June 16, 2000, Applicant/Respondent committed an assault with a deadly weapon or instrument, other than a firearm, or by any means likely to produce great bodily injury, upon the person of a peace officer or firefighter.

**PRAYER**

**WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing the Board issue a decision:

1. Denying the application of Sandra Denice Whatley, also know as Sandra Denice Mote, also know as Sandra Whatley ; and,
2. Taking such other and further action as deemed necessary and proper.

DATED: 1/15/04

  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant